

AMENDED IN SENATE AUGUST 11, 2008

AMENDED IN SENATE JUNE 24, 2008

AMENDED IN ASSEMBLY APRIL 17, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 2781

**Introduced by Assembly Member ~~Sharon Runner~~ Members Jeffries
and Sharon Runner**
(Principal coauthor: Senator Battin)

February 22, 2008

~~An act to amend Section 290.46 of the Penal Code, relating to sex offenses. An act to add Sections 17204.5 and 24359.5 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2781, as amended, ~~Sharon Runner~~ Jeffries. ~~Sex offenses: Internet: public information.~~ Charitable contributions for aid to community heroes.

The Personal Income Tax Law and the Corporation Tax Law authorize various deductions in computing income subject to taxes, including a deduction for charitable contributions, as defined.

This bill would allow specified types of charitable organizations to collect and disburse deductible charitable contributions for certain individuals who are injured or killed in an effort to protect life or property, as provided.

This bill would take effect immediately as a tax levy.

~~Existing law requires the Department of Justice to publish the names, aliases, photographs, physical descriptions, criminal histories, and~~

~~addresses of, and other specified information concerning, persons convicted of specified sexual offenses via an Internet Web site, and to publish lesser amounts of information concerning persons convicted of other specified offenses.~~

~~This bill would add felony convictions for certain child pornography offenses to the list of specified sexual offenses requiring the broadest disclosure, as provided. This bill would exempt, however, the additional convictions from Internet disclosure if the person submits to the department a certified copy of a probation report filed in court that clearly states that all victims involved in the commission of the offense were at least 16 years of age or older at the time of the commission of the offense. The bill would state that these changes shall not become operative until January 1, 2010, and their costs shall be paid for using existing resources.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 17204.5 is added to the Revenue and
2 Taxation Code, to read:
3 17204.5. (a) For purposes of this part, Section 170 of the
4 Internal Revenue Code (relating to charitable, etc., contributions
5 and gifts) is amended as follows:
6 (1) Any payment made by an organization described in
7 subdivision (a) of paragraph (1) or (2) of Section 509 of the
8 Internal Revenue Code to an eligible individual or to a member
9 of that individual's family shall be treated as related to the purpose
10 or function constituting the basis for the organization's exemption
11 under Section 501 of the Internal Revenue Code if the requirements
12 of paragraphs (3), (4), and (5) are met.
13 (2) For purposes of this section, "eligible individual" means
14 any individual who is injured or killed in an effort to protect life
15 or property if that individual is injured or killed while on duty as
16 a federal, state, or local government employee, or as a member of
17 a qualified volunteer emergency response organization, as defined
18 in subdivision (c) of paragraph (3) of Section 139B of the Internal
19 Revenue Code.
20 (3) The requirements of this paragraph are met if all of the
21 following apply:

1 (A) *The organization referred to in paragraph (1) does not*
2 *engage in any effort to solicit contributions for distribution under*
3 *this section.*

4 (B) *The organization accepts contributions with respect to any*
5 *death or injury only during the one-year period beginning on the*
6 *last day of the event which resulted in the death or injury.*

7 (C) *At least 50 donors contribute to the organization with*
8 *respect to that event.*

9 (D) *More than 95 percent of the funds are contributed by*
10 *persons who are unrelated to any individual who is entitled to any*
11 *distribution from the contributions.*

12 (4) *The requirements of this paragraph are met if the entire*
13 *amount contributed, and any earnings thereon, is distributed to*
14 *an eligible individual or members of his or her family.*

15 (5) (A) *The requirements of this paragraph are met with respect*
16 *to an event if both of the following apply:*

17 (i) *All distributions are made within 180 days after the close of*
18 *the one-year period referred to in subparagraph (B) of paragraph*
19 *(3).*

20 (ii) *Of the aggregate amount to be distributed, one-half is*
21 *distributed in equal amounts to each eligible individual with*
22 *respect to that event, and one-half is distributed in accordance*
23 *with subparagraph (B).*

24 (B) *The amount required to be distributed under this paragraph*
25 *shall be distributed as follows, with shares being equal amounts:*

26 (i) *Each eligible individual shall receive one share.*

27 (ii) *Each spouse of an eligible individual shall receive one share.*

28 (iii) *Each qualifying child of an eligible individual or an*
29 *individual's spouse shall receive a one-half share.*

30 (6) *For purposes of this section:*

31 (A) *The members of the family of an eligible individual are the*
32 *spouse and qualifying children of that individual.*

33 (B) *The determination of whether an individual is a spouse or*
34 *qualifying child of an eligible individual shall be made as of the*
35 *date of the death or injury of that individual, whichever is earlier.*

36 (C) *"Qualifying child" means any individual who bears a*
37 *relationship to the eligible individual or the eligible individual's*
38 *spouse that is described in subdivision (c) of paragraph (2) of*
39 *Section 152, who meets the age requirements of subdivision (c) of*

1 paragraph (3) of Section 152, and over half of whose support is
2 provided by the eligible individual.

3 (7) In the case of an eligible individual who died as a result of
4 the event to which this section applies, references to that individual
5 shall be treated as references to the estate of that individual.

6 (8) If any organization receives contributions with respect to
7 more than one event, this section shall be applied separately with
8 respect to each event.

9 (b) This section shall apply only with respect to those eligible
10 individuals approved by the Governor.

11 SEC. 2. Section 24359.5 is added to the Revenue and Taxation
12 Code, to read:

13 24359.5. (a) For purposes of this part, Section 170 of the
14 Internal Revenue Code (relating to charitable, etc., contributions
15 and gifts) is amended as follows:

16 (1) Any payment made by an organization described in
17 subdivision (a) of paragraph (1) or (2) of Section 509 of the
18 Internal Revenue Code to an eligible individual or to a member
19 of that individual's family shall be treated as related to the purpose
20 or function constituting the basis for the organization's exemption
21 under Section 501 of the Internal Revenue Code if the requirements
22 of paragraphs (3), (4), and (5) are met.

23 (2) For purposes of this section, "eligible individual" means
24 any individual who is injured or killed in an effort to protect life
25 or property if that individual is injured or killed while on duty as
26 a federal, state, or local government employee, or as a member of
27 a qualified volunteer emergency response organization, as defined
28 in subdivision (c) of paragraph (3) of Section 139B of the Internal
29 Revenue Code.

30 (3) The requirements of this paragraph are met if all of the
31 following apply:

32 (A) The organization referred to in paragraph (1) does not
33 engage in any effort to solicit contributions for distribution under
34 this section.

35 (B) The organization accepts contributions with respect to any
36 death or injury only during the one-year period beginning on the
37 last day of the event which resulted in the death or injury.

38 (C) At least 50 donors contribute to the organization with
39 respect to that event.

1 (D) More than 95 percent of the funds are contributed by
2 persons who are unrelated to any individual who is entitled to any
3 distribution from the contributions.

4 (4) The requirements of this paragraph are met if the entire
5 amount contributed, and any earnings thereon, is distributed to
6 an eligible individual or members of his or her family.

7 (5) (A) The requirements of this paragraph are met with respect
8 to an event if both of the following apply:

9 (i) All distributions are made within 180 days after the close of
10 the one-year period referred to in subparagraph (B) of paragraph
11 (3).

12 (ii) Of the aggregate amount to be distributed, one-half is
13 distributed in equal amounts to each eligible individual with
14 respect to that event, and one-half is distributed in accordance
15 with subparagraph (B).

16 (B) The amount required to be distributed under this paragraph
17 shall be distributed as follows, with shares being equal amounts:

18 (i) Each eligible individual shall receive one share.

19 (ii) Each spouse of an eligible individual shall receive one share.

20 (iii) Each qualifying child of an eligible individual or an
21 individual's spouse shall receive a one-half share.

22 (6) For purposes of this section:

23 (A) The members of the family of an eligible individual are the
24 spouse and qualifying children of that individual.

25 (B) The determination of whether an individual is a spouse or
26 qualifying child of an eligible individual shall be made as of the
27 date of the death or injury of that individual, whichever is earlier.

28 (C) "Qualifying child" means any individual who bears a
29 relationship to the eligible individual or the eligible individual's
30 spouse that is described in subdivision (c) of paragraph (2) of
31 Section 152, who meets the age requirements of subdivision (c) of
32 paragraph (3) of Section 152, and over half of whose support is
33 provided by the eligible individual.

34 (7) In the case of an eligible individual who died as a result of
35 the event to which this section applies, references to that individual
36 shall be treated as references to the estate of that individual.

37 (8) If any organization receives contributions with respect to
38 more than one event, this section shall be applied separately with
39 respect to each event.

1 **(b)** *This section shall apply only with respect to those eligible*
2 *individuals approved by the Governor.*
3 **SEC. 3.** *This act provides for a tax levy within the meaning of*
4 *Article IV of the Constitution and shall go into immediate effect.*

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7 **All matter omitted in this version of the bill**
8 **appears in the bill as amended in the**
9 **Senate, June 24, 2008 (JR11)**
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